



PUBLIC NOTICE

Federal Communications Commission
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September 29, 1999

**COMMENTS REQUESTED ON APPLICATION BY BELL ATLANTIC
FOR AUTHORIZATION UNDER SECTION 271 OF THE COMMUNICATIONS ACT
TO PROVIDE IN-REGION, INTERLATA SERVICE IN THE STATE OF NEW YORK
(CC DOCKET NO. 99-295)**

On September 29, 1999, New York Telephone Company (d/b/a Bell Atlantic – New York), Bell Atlantic Communications, Inc., NYNEX Long Distance Company, and Bell Atlantic Global Networks, Inc., (collectively, Bell Atlantic) filed an application for authorization to provide in-region, interLATA service in the State of New York, pursuant to section 271 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 271. This Public Notice establishes certain procedural requirements relating to the Commission's processing of that application. The Commission in a prior Public Notice adopted other procedural requirements that apply to the processing of this and all other applications for authorization under section 271 of the Act.¹ A copy of this earlier Public Notice is attached hereto. Also attached is a protective order adopted today, *Application of Bell Atlantic Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in New York*, Protective Order, DA 99-2013 (Com. Car. Bur. rel. September 29, 1999), that establishes the conditions under which access to confidential documents submitted in this proceeding by Bell Atlantic or any other party will be made available.

Comments By Interested Third Parties. Comments in support of or opposition to the Bell Atlantic application by interested third parties must be filed on or before **October 19, 1999**.

State Commission and Department of Justice Written Consultations. The New York Public Service Commission (New York Commission) must file any written consultation on or before **October 19, 1999**. Any written consultation by the Department of Justice (which, by the Act's express terms, must become part of the record) must be filed on or before **November 1, 1999**.

Replies. All participants in the proceeding -- the applicant, interested third parties, the New York Commission, and the Department of Justice -- may file a reply to any comments filed by any

¹ See *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, DA 99-1994, Public Notice (rel. September 28, 1999) (*September 28, 1999 Public Notice*).

other participant on or before **November 8, 1999**.

Treatment of Confidential Information. As set forth in the *September 28, 1999 Public Notice*, submissions by parties (including the applicant, the Department of Justice, and the relevant state commission) that contain no confidential information or that do not comment on any confidential information submitted by other participants in the proceeding shall be filed in conformance with the procedures set forth in the *September 28, 1999 Public Notice*. To the extent a submission includes, however, confidential information or comments on confidential information that another participant has submitted, the party must file with the Office of the Secretary: (a) one copy of only the portion(s) of the submission that contain confidential information or comment on confidential information that another participant has submitted, exclusive of the remainder of the submission; and (b) one original and two copies of the entire confidential submission in redacted form. Each of the submissions described in items (a) and (b) must be accompanied by a cover letter. The submission described in item (a) and accompanying cover letter should be stamped "Confidential—Not for Public Inspection." The original and two copies of the redacted submission described in item (b) and their accompanying cover letters should be stamped "Redacted—For Public Inspection." The cover letters accompanying both sets of submissions set forth in items (a) and (b) above should state that the party is filing a confidential portion of the submission and a redacted version of the entire submission. Other than having different stamps (i.e., "Confidential—Not for Public Inspection" or "Redacted—For Public Inspection"), the cover letters should be the same for the confidential portion of the submission and the redacted copies of the entire submission. The submissions should be delivered in person to the Office of the Secretary, 445 12th Street, S.W., Room TW-B-204, to Magalie Roman Salas, Secretary; or, in her absence, to William F. Caton, Deputy Secretary. Also, each redacted filing must be submitted on a read-only CD-ROM² formatted in Word 97 or Excel 97 format, as applicable. All questions relating to access to confidential information submitted by Bell Atlantic should be directed to Steven McPherson, Bell Atlantic – New York and Affiliates, 1320 North Courthouse Road, 8th Floor, Arlington, VA 22201, Telephone 703/974-2808.

Ex Parte Rules - Permit-but-Disclose Proceeding. Because of the broad policy issues involved, section 271 application proceedings initially will be considered permit-but-disclose proceedings.³ Accordingly, *ex parte* presentations will be permitted, provided they are disclosed in conformance with Commission *ex parte* rules.⁴ Because of the statutory time frame, however, the Commission strongly encourages parties to set forth their views comprehensively in the formal filings specified above (e.g., written consultations, oppositions, supporting comments, etc.) and not to rely on subsequent *ex parte* presentations. In any event, parties may not file more than a total of 20 pages of written *ex parte* submissions. This 20-page limit does not include: (1) written *ex parte* submissions made solely to disclose an oral *ex parte* contact; (2) written material submitted at the time of an oral presentation to Commission staff that provides a

² If filing on CD-ROM is not possible, applicants may file on a 3.5 inch computer diskette.

³ See *id.* at §§ 1.1200(a), 1.1206.

⁴ See *id.* at §§ 1.1202, 1.1206(b).

include: (1) written *ex parte* submissions made solely to disclose an oral *ex parte* contact; (2) written material submitted at the time of an oral presentation to Commission staff that provides a brief outline of the presentation; (3) written material filed in response to direct requests from Commission staff; or (4) written factual exhibits. *Ex parte* submissions in excess of the 20-page limit will not be considered part of the record. Parties should provide Bureau staff with courtesy copies of any *ex parte* presentations made to any member of the Commission.

For purposes of this proceeding, any oral *ex parte* presentations from the Department of Justice and the New York Commission will be deemed to be exempt *ex parte* presentations. To the extent that the Commission obtains through such oral *ex parte* presentations new factual information on which the Commission may rely in its decision-making process, the party submitting the information (the Department of Justice or the New York Commission) shall prepare a summary for inclusion in the record in accordance with Commission rules,⁵ unless such a summary is being prepared by Commission staff. We also waive any page limits for written *ex parte* submissions by the Department of Justice or the New York Commission.

Notwithstanding the above, the Commission may, by subsequent public notice, prohibit all presentations to its decision-making personnel regarding the application during a seven-day period preceding the anticipated release date of the Commission's order regarding the application.⁶

By the Chief, Common Carrier Bureau

News Media contact: Michael Balmoris (202) 418-1500.

FCC Common Carrier Bureau contact: Andrea Kearney (202) 418-1580.

⁵ See *id.* at § 1.1206(a).

⁶ Cf. §§ 1.1200(a)-(b); 1.1203.